

# ***STAFFORD COUNTY PLANNING COMMISSION MINUTES***

## ***January 5, 2011***

The meeting of the Stafford County Planning Commission of Wednesday, January 5, 2011, was called to order at 6:36 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Fields, Rhodes, Hazard, Mitchell, Kirkman and Hirons

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Smith, Stinnette, Ennis, Doolittle, Ansong and Hornung

### ELECTION OF OFFICERS

#### *A. Election of Chairman*

Mr. Harvey: The next order of business is for election of officers. The first officer to be elected will be election of the Chairman. I ask for any nominations on the floor for Chairman.

Mr. Hirons: Mr. Planning Director, I'd like to nominate Gordon Howard for Chairman.

Mr. Rhodes: I would second that.

Mr. Harvey: Do we have any other nominations for Chairman? Seeing none, I will ask for a vote for Mr. Howard as Chair.

Mr. Rhodes: All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Howard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Harvey: Thank you. Mr. Chairman...

Ms. Kirkman: Excuse me, you did not ask for nays.

Mr. Harvey: Oh, I apologize. Any nays?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Harvey: Thank you. Mr. Howard, the floor is yours.

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Mr. Howard: Thank you. The motion carried 5 to 2. We now will call for the election of the Vice-Chairman and will entertain nominations for the Vice-Chairman.

***B. Election of Vice-Chairman***

Mr. Hiron: Mr. Chairman, I'd like to nominate Mr. Mike Rhodes for Vice-Chairman.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: Any other nominations? Hearing none I'll call for the vote. All those in favor of electing Mr. Mike Rhodes Vice-Chairman signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed say nay.

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. We now move for the election of Secretary.

***C. Election of Secretary***

Mr. Hiron: Mr. Chairman, I nominate Mr. Ken Mitchell for the position of Secretary.

Mr. Howard: Is there a second?

Mr. Rhodes: Second.

Mr. Howard: Is there any other nomination for the election of Secretary? Hearing none, I will now call for the vote. All those in favor of electing Mr. Ken Mitchell the Secretary of the Planning Commission signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

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Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. Okay, are there any declarations of disqualification for tonight's meeting? No. Alright then, we're onto item 1 which is Unfinished Business.

DECLARATIONS OF DISQUALIFICATION

UNFINISHED BUSINESS

Mrs. Hazard: Mr. Chairman?

Mr. Howard: Yes.

Mrs. Hazard: I would like to see if the Commission would entertain a motion to amend the agenda to move the, from New Business, the SUB1000222 which is Ambrose Estates to the top of the agenda because we did not receive as part of our Planning Commission packet the full plats that I believe are now at everyone's spot and I believe that probably all the Commissioners would prefer to look at those large ones and get their questions put together. I know they were certainly helpful to me when I had looked at them and was just going to entertain that then we could defer it till the 15<sup>th</sup> to allow everybody proper time to assess the plats that were provided.

Mr. Howard: So, the motion is to move item 10 before item 1.

Mr. Rhodes: Second.

Mr. Howard: Any discussion? All those in favor of changing the agenda which moves item number 10 which is New Business on the current agenda before item 1 which is under Unfinished Business signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

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Ms. Kirkman: Mr. Chair, I'm still trying to catch up here. Is this to move it before Unfinished Business this agenda or the next agenda?

Mr. Howard: I understood it to be this agenda and I thought she was going to ask for a deferral...

Ms. Kirkman: I don't think that's the intent, is it?

Mr. Howard: That's what I understood Mrs. Hazard saying.

Ms. Kirkman: In order to ask for a deferral, not to review it tonight.

Mrs. Hazard: No.

Ms. Kirkman: Okay, thank you. I just needed that clear.

10. SUB1000222; Ambrose Estates, Preliminary Subdivision Plan - A preliminary subdivision plan for 12 single family residential lots on private well and septic systems, zoned A-1, Agricultural consisting of 47.7 acres located on the west side of Greenbank Road approximately 1,700 feet south of Walnut Grove Drive on Assessor's parcels 44-18 and 44-19 within the Hartwood Election District. (**Time Limit: March 18, 2011**)

Mrs. Hazard: Because my next motion was going to be since I believe item 10 is now on the floor, I would like to ask that the Commission move to defer this item which is now number 10 but it is SUB1000222, Ambrose Estates, to the next meeting on the 19<sup>th</sup> so that the Commission can fully consider all the packet that was provided.

Mr. Mitchell: Second.

Mr. Howard: There's a second; is there any discussion? Ms. Kirkman, did you have any other questions?

Ms. Kirkman: No.

Mr. Howard: So it's clear for everyone in the audience, I'm assuming the applicant is actually here, we did not receive the larger plats of this proposed preliminary subdivision plan. And, as a result of that, many of us have not had a chance to review them because we just got them tonight. And Mrs. Hazard is making a motion that allows us till the next meeting at least to take these back with us and peruse through them and really understand what it is you're proposing in this preliminary subdivision plan. Any other discussion on this?

Mrs. Hazard: The only other comment is that the applicant... I did make them aware of that and we did discuss it that they felt more comfortable to allowing the Commission the additional two weeks. So it is also with their request.

Mr. Howard: Okay, I will now call for the vote. All those in favor of moving the Ambrose Estates Preliminary Subdivision Plan to the next meeting which I think is January...

Mrs. Hazard: The 19<sup>th</sup> I think.

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Mr. Howard: ... signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

Mr. Harvey: Mr. Chairman, I apologize to the Commission and the applicant for the staff oversight of not providing a large copy.

1. SUB1000017; Patriot Ridge - Preliminary Subdivision Plan - A preliminary subdivision plan for 16 single family residential lots on private well and septic systems, zoned A-2, Rural Residential, consisting of 23.12 acres located on the west side of William and Mary Lane, approximately 1,200 feet south of Decatur Road on Assessor's Parcels 31-67 and 31-68 within the Griffis-Widewater Election District. **(Time Limit: January 5, 2011) (History - Deferred at October 6, 2010 Meeting to October 20, 2010 Meeting) (Deferred at October 20, 2010 Meeting to November 3, 2010 Meeting) (Deferred at November 3, 2010 Meeting to December 1, 2010 Meeting) (Deferred at December 1, 2010 Meeting to December 15, 2010 Meeting) (Deferred at December 15, 2010 Meeting to January 5, 2011 Meeting)**

Mr. Howard: Thank you Mr. Harvey. Okay, we are now back on the agenda as it was originally written, which is Patriot Ridge Preliminary Subdivision Plan. I think we'll hear from Natalie.

Mrs. Doolittle: Good evening Mr. Chairman and members of the Commission. Item number 1 is a continuation of the discussion for the Patriot Ridge Preliminary Plan application. At the December 15<sup>th</sup> meeting, the application was deferred to tonight's meeting and the time limit was extended to today's date. Staff believes this plan is in compliance with all requirements of the Stafford County code and is prepared to address the questions the Commission had from the December 1<sup>st</sup> meeting regarding driveway width requirements and street standard and connectivity thresholds. There is also an email that was handed out before the meeting, which is dated December 20<sup>th</sup>, from Tommy Thompson of the Health Department. The email addresses concerns raised by the Planning Commission regarding the soil work and confirms why the Health Department approved the drainfields. The applicant and engineer are also available to answer any questions the Commission may have.

Mr. Howard: Thank you. I'll bring it back to the Planning Commission. Are there any questions of the Planning Commission of staff?

Ms. Kirkman: Yes, Mr. Chair, I have a question.

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Mr. Howard: Ms. Kirkman.

Ms. Kirkman: We have an email in front of us that we received just now sitting down that's dated December 20<sup>th</sup> regarding drainfield issues. Why did we not receive this sooner?

Mr. Harvey: Mr. Chairman, that is my error; I apologize. I had received that email and had failed to put that in the mail-out.

Ms. Kirkman: Alright. I just want it noted for the record I have not had adequate time to review this.

Mr. Howard: Thank you. Are there any other questions of staff? Any questions about the email itself or content? As Ms. Kirkman pointed out, we just received this so it's a little difficult to have read this and comprehended the responses. Would it... I think, Mr. Harvey, it might be better if we went through the email.

Mr. Harvey: Certainly Mr. Chairman. The email is Mr. Thompson's response to some of the questions that the Commission had as to why the Health Department was recommending approval of the plan. After their initial review, they had a number of comments that they asked that the applicant address. And the response is an attempt to specify how those corrections were made. Specifically, most of the issues revolve around the question as to whether there was additional soils work required because of drainfield locations. There are two drainfield locations in particular that came up in the comments; one was dealing with a drainfield that appeared to have an insufficient landscape orientation. In other words, part of the drainfield was going down into a swale area. There was another question about a drainfield in relation to a paved driveway and it was noted that our local ordinance and the Health Department's enforcement would not allow that to occur. In both cases it was cited that the drainfield area proposed by the soil scientist exceeded the minimum requirements by our County code. And the applicant had revised the plan to reduce the length and location of some of the drainfield lines to try to minimize those concerns. Therefore, the Health Department felt that with the revised paperwork there was no need for additional soils work. In as much as I understand, the soil squares on the plan themselves reflect an area where there are suitable soils but doesn't necessarily reflect all of the design of the drainfield. Because a drainfield in and of itself does not take up all... I should say the equipment, the lines, the distribution box, etcetera, does not take up all the area identified as drainfield on the plans. That's my reading of the comments, in general terms.

Mr. Howard: Okay, thank you. Are there any questions based on Mr. Harvey's quick verbal explanation of the email? Okay. We'll now hear from the applicant.

Mr. Newport: Good evening ladies and gentlemen of the Planning Commission; Keith Newport, Sunshine Home Builders. First, I appreciate the fact that we got to extend this while I was away to this night. So, thank you for considering that.

Mr. Howard: Thank you. There was one additional, I guess, comment as I recall from the last meeting and that was I guess when the plat was updated, the dates... the update on the revisions were not really indicated.

Mr. Newport: We've had the engineer...

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Mr. Moran: All the plans have been dated with the current date of December... I think it was the 8<sup>th</sup>, and submitted. She has all new copies of everything.

Mr. Howard: Okay, so that's been taken care of and there's new dates that reflect the new plan?

Mr. Newport: Yes.

Mr. Howard: Okay. Were there any other questions for the applicant from anybody on the Planning Commission? Okay, thank you.

Mr. Newport: Thank you.

Mr. Howard: I'll bring it back to the Planning Commission.

Ms. Kirkman: Mr. Chair? It's in my district and I will be making a motion to deny approval of this subdivision plan. And because it is a motion to deny, it will be a rather lengthy motion because I will need to cite the specific code sections and the things that the applicant will need to do to address those should the applicant decide to resubmit.

Mr. Howard: Okay.

Ms. Kirkman: As I said, this will be a motion to deny. The first reason for the motion to deny is that this plan is not in compliance with Section 28-34 of the Zoning Ordinance. Specifically, that section of the Ordinance states that the purpose of the A-2 district is to provide a transition between rural and urban areas in residential areas adjacent to the growth areas which allow increased densities from the A-1 district when public water or sewer are provided. There is no public water or sewer provided to this particular subdivision; therefore, the applicant needs to meet the requirements for the A-1 district. The second reason for denial is that I believe this plan is not in compliance with Section 22-118(4)(c) regarding water and sewer and one hundred percent reserve capacity and land area for reserve drainfields. Specifically, lot number 13, the reserve drainfield relies on utilizing one line from the primary drainfield which really is infeasible; if the primary drainfield fails, there's not going to be the ability to utilize the line from that. And secondly, lots number 11 and number 15 also have part of the reserve drainfields located within the primary drainfield. And again, if those primary drainfields fail, there will be the inability to use that additional capacity for the reserve drainfields. So the applicant will need to find sufficient reserve drainfield capacity for lots 11, 13 and 15 to remedy that. Lastly, the preface to the Subdivision Ordinance makes it very clear that the purpose of this chapter, this is Section 22-1, that the purpose is to promote the public health, safety, convenience, comfort, prosperity, and general welfare. And I believe the applicant in two respects does not do this. Specifically, I'm very concerned about the use of eighteen foot pavements for the roadways. Although VDOT allows that, I'm very concerned that that does not provide sufficient pavement particularly since we have established that should there be any interconnection with adjacent parcels, the County has no ability to require the developer to go back and widen those roads. Secondly, I remain concerned about when we create low impact development, bio-retention facilities that must be maintained by individual homeowners we've not had a lot of success with that and I'm concerned about that in terms of the general public welfare. So, those are my reasons of denial, and specific actions that need to be taken to correct that last concern are they need to widen the pavement from eighteen feet to twenty-four feet as typically done for roads of these types. And to form a Homeowners Association to maintain the stormwater facilities.

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Mr. Fields: Second.

Mr. Howard: Seconded by Mr. Fields. Discussion?

Ms. Kirkman: Mr. Chair, I believe in stating the things that need to be corrected I stated the reasons for my motion.

Mr. Howard: Do you have an executive summary? So, in other words, what are the... I think I hear four things that had to change.

Ms. Kirkman: Sure. Do you want the code citations as well?

Mr. Howard: No, just in general, Ms. Kirkman, the items that they would have to come back before the Commission to have corrected.

Ms. Kirkman: Yes, the first is that because this particular subdivision is not served by public water or sewer, it is therefore under the code not eligible for the increased density under A-2. And, therefore, they need to reconfigure it to meet the requirements for A-1. Secondly, regarding Section 22-118, the drainfields, they need to find adequate reserve drainfield capacity for the lots that I cited which... I can look those up.

Mr. Howard: You said 11, 13 and 15?

Ms. Kirkman: That's correct. And lastly, regarding Section 22-1, there are two things that I believe need to occur there. The first is widening the pavement from eighteen feet to twenty-four feet as typically seen in these types of road sections. And lastly, forming some type of Homeowners Association to maintain the stormwater facilities. I will add, Mr. Chair, that on the last I'm open to alternative suggestions. The primary point there is that these are engineered facilities and I don't believe it serves the public interest for an individual homeowner to be responsible for the maintenance of those.

Mr. Howard: Okay. Alright, it's open for discussion. Ms. Kirkman has yielded the floor and gave us a very comprehensive explanation. Are there any other comments from any of the Planning Commissioners? Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, thank you. Mr. Chairman, I would just have a follow-on question for staff or the Planning Director concerning the first point of concern, that since it's not certified for water and sewer it must meet all the A-1 conditions. Since that wasn't raised in the staff report, I would just be interested in a response by staff on that.

Mr. Howard: So, you're trying to understand the interpretation of that, why that wasn't caught?

Mr. Rhodes: Yeah, if that is indeed correct then just was there another mitigating element that staff saw that would have offset it just so that I understand both sides of that.

Mr. Howard: Ms. Kirkman, did you have any discussion with staff on that particular issue?

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Ms. Kirkman: Mr. Chair, I did not and, in fact, I actually went back and reread the code because what I found particularly troubling is that as I was reviewing the soil work and looking at the size of the lots, these are... all of these are roughly one acre lots. And even Mr. Leming has stood before the Planning Commission and testified that those are where you have problems with drainfields, is one acre lots. And, as you know, that's also why we're now extending water and sewer out to the... well, sewer out to the Roses.

Mr. Howard: The Roses, right.

Ms. Kirkman: Because those are on one acre lots and I just couldn't believe that this wasn't addressed somewhere in the code. And so when I went back and reread the code, that's where I found this section where it states very clearly that the intent of the A-2 district is when it's served by public water and sewer to serve as a transitional area. And that that... it's when it has that water and sewer that it's allowed to have those increased densities.

Mr. Howard: Right, thank you.

Mr. Fields: And I think, Ms. Kirkman, I believe... and I'm sure you meant to say this... I think the A-2 actually says public water or sewer, right? Doesn't it allow for public water...

Ms. Kirkman: Yes, that's correct.

Mr. Fields: ...with a drainfield or public sewer with a well?

Ms. Kirkman: Yes, that is correct.

Mr. Fields: So, that's why it's considered a separate district. It's a transitional thing; it's not really considered to stand alone with onsite water and sewage disposal, but it's conceived that in theory that it's a sort of an in between district. And that's always troubled me too because that's always been part of the code of A-2 and yet A-2 land quite often has been developed in a different manner. But usually, of course, it's just zoned A-2 as a relic of a past time and actually platted as if it were A-1, ending up with three and four and five acre lots depending on all the conditions, you know, all the various factors.

Mr. Howard: All the conditions being met, right. Mr. Rhodes, I don't know if that answered your question. I hesitate to go to staff while we're in discussion of a motion because we haven't done that in the past that I can recall.

Mr. Rhodes: Okay.

Mr. Howard: Are there any other comments or observations from the Planning Commissioners? We're still in discussion on the motion. I'm actually going to support Ms. Kirkman's motion and I'm going to do that because I think it's clear on what the applicant can do differently to come back. And it was clear on why she feels the preliminary subdivision plan should not be approved at this point. And there is a way for the applicant to come back to staff and address those concerns, and either address them by taking the concern off the table by proving otherwise or correcting some of the deficiencies that Ms. Kirkman, based on her interpretation, has cited. So, I'm going to actually support that.

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Mr. Rhodes: Mr. Chairman?

Mr. Howard: Mr. Rhodes.

Mr. Rhodes: I would just add as a follow-on, while I look at some of the items cited, I think some have been discussed and some are not necessarily preferable but I don't know, especially on the third items on the promoting health, safety and etcetera, convenience, welfare, we may not like some but if some are acceptable to VDOT, etcetera, and the road widths, I'm not sure that I stand on all of those. I understand the intent and the purpose there but if they're acceptable, they're acceptable. I don't know that those are the bases but certainly the first item, when you do open that section, without understanding any other reason that might have mitigated it that's further authorized that I'm not aware of, I mean, it clearly does state areas which allow increased densities from the A-1 district when public water or sewer are provided. And so that is the one of those that stands out to me. Thank you Mr. Chairman.

Mr. Howard: Thank you Mr. Rhodes. And that's kind of my point. The applicant has the ability to, you know, come back and sort of defend and represent within a certain amount of time. Any other discussion? Ms. Kirkman?

Ms. Kirkman: Mr. Chair, I just... I do want to point out because I think this will come up in some of our later discussions as well that VDOT approval... they're looking at a very narrow set of concerns where we have broader concerns we need to take into consideration. So, while I appreciate when VDOT has approved something that may or may not be sufficient for what we're looking for and, in particular, we have had problems with subdivisions where literally we've not been able to get school buses in and out because of cars parked on narrow roadways, even though they met VDOT standards. And so I think we do need to remember that our concerns may be somewhat broader than VDOT concerns.

Mr. Howard: And I think that's a good point, that I think the challenge Mr. Rhodes was throwing out there though... is it really in violation or is it really within the purview of the Planning Commission based on the County ordinances to deny based on what you presented. And I think that his question was that, you know, was that accurate. And we can't go to staff at this point because we're in discussion. But I think the applicant certainly can do that based on the information that was just provided and...

Ms. Kirkman: And they've dedicated the amount of right-of-way they needed in order to do that.

Mr. Howard: Right. Any other discussion? I'll call for the vote. All those in favor of Ms. Kirkman's discussion which is the denial of the Patriot Ridge Preliminary Subdivision Plan signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

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Mr. Howard: Aye. Opposed say nay.

Mr. Mitchell: No.

Mr. Hirons: Nay.

Mr. Howard: The motion carried 5 to 2; a different 5 to 2 for those of you keeping score. So, the applicant, you actually can come back and the staff will explain to you what the next steps look like and what the timeframe is for that.

Ms. Kirkman: Mr. Chair, I actually believe what happens next, and perhaps Mr. Harvey can correct me, is that I believe the Planning Director sends a letter to the applicant citing the specific code references that the Planning Commission believes needs to occur. Is that the process?

Mr. Harvey: That's correct, Ms. Kirkman and Mr. Chairman.

Ms. Kirkman: And then they're also entitled to an expedited review should they choose to resubmit, is that correct?

Mr. Harvey: Yes. There's a timeframe in which the Commission has to reconsider their revised plan.

Mr. Howard: Is it forty-five days?

Mr. Harvey: I don't recall.

Mr. Howard: Yeah, I'm not sure if it was sixty or forty-five.

Mr. Harvey: Mr. Smith is looking in the code right now.

Mr. Howard: It's a certain number of days; I don't think it exceeds sixty. But it could possibly be forty-five days.

Mr. Newport: There are several things there that were just not true.

Mr. Howard: Okay, well, you'll have a chance...

Mr. Newport: We'll have a chance to...?

Mr. Howard: Yeah, you'll have a chance to, when you receive Mr. Harvey's letter there'll be an explanation in there on how you go about coming back to the County with either remedying those issues or how you explain to the County those are not issues. And then you'd be... in either case, you have the opportunity to come back and have one more shot at getting this approved.

Mr. Newport: Right, because there was a lot of money spent at this point, especially the drainfield end of it. That was not an accurate... Ms. Kirkman was not accurate.

Mr. Howard: Okay, thank you.

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Mr. Newport: Thank you.

Mr. Howard: We're onto item number 2 on the agenda; I've got to make sure I have the right agenda here, which is the Amendment to Subdivision Ordinance Section 22-190 which is street access of the Subdivision Ordinance. Mr. Harvey?

2. Amendment to Subdivision Ordinance - Amendment to Section 22-190, Street Access, of the Subdivision Ordinance pursuant to proposed Ordinance O10-57. Section 22-190 addresses street access and connectivity requirements. Proposed Ordinance O10-57 will repeal Section 22-190 because it was superseded by the Virginia Department of Transportation (VDOT) Secondary Street Acceptance Requirements (SSAR) requirements. Under VDOT's SSAR, newly-constructed streets must meet certain standards to be accepted into the secondary system of state highways for public maintenance. **(Time Limit: January 18, 2011) (Deferred at December 15, 2010 Meeting to January 5, 2011 Meeting)**

Mr. Harvey: Mr. Chairman, as you may recall, this is an item that went to public hearing and was deferred by the Commission. There were some questions about the SSAR requirements that VDOT has because this Ordinance pertains to our local subdivision requirements regarding connectivity to adjacent properties and streets. Our Ordinance, staff notes, does not meet the VDOT requirements in that it's less restrictive. There is a question as to whether the County can adopt more restrictive regulations in Mrs. Hornung's discussion with VDOT representatives. That discussion lead to an answer, yes, the County can adopt more restrictive regulations. Mr. Smith has also looked into that issue and he can provide his opinion as well.

Mr. Smith: Yes, Mr. Chairman and members of the Commission, I have researched the issue and my opinion is that yes, the County could adopt higher standards, more restrictive requirements, so long as they don't conflict with the SSAR and the SSAR process.

Mr. Harvey: And, Mr. Chairman, staff is recommending that the Commission adopt the Ordinance... or recommend adoption of the Ordinance to repeal Section 22-190 because of its conflicts with the state SSAR requirements.

Mr. Howard: Right, and I guess there's always a chance that we can actually put this back on our agenda if there's the appetite to do that to, in fact, place greater restrictions from the County's perspective that don't conflict with the state's SSAR requirements.

Ms. Kirkman: Could we get a reminder of the history of this? Like what is our ability to... was this given to us as is by the Board or do we have the ability to...?

Mr. Howard: My recall is it was given to us as is and we weren't able to change it because they took the verbiage right out of the state code. I could be wrong though. Mr. Harvey, do you have a recall on that? Or Mrs. Hornung?

Mr. Harvey: I believe Mrs. Hornung's got the answer to that question.

Ms. Kirkman: It would depend on what the Board Resolution said.

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Mrs. Hornung: Yes, and Mr. Chairman, members of the Commission, good evening. In R10-313, the last sentence... or paragraph is "be it further resolved that the Planning Commission be, and it hereby is, authorized to make modifications to the amendment as it deems necessary." So you can do that.

Mr. Howard: So we can amend it.

Mrs. Hornung: Yes.

Ms. Kirkman: And Mr. Chairman, I raise that in fact because one of the things that happened in the subdivision plan that was deferred is they had gotten a waiver from VDOT around the very requirements that we're now saying we would substitute for our own requirement.

Mr. Howard: Right.

Ms. Kirkman: So that takes the process completely out of the County's hands. And, as I said earlier, I do believe there are some instances when the County's considerations are broader than VDOT's considerations. And my concern is that by substituting the VDOT language entirely, for what we've got in our Subdivision Ordinance now, the County really loses some control that it has over transportation issues in the County.

Mr. Howard: So, could we... let's see if there's an appetite to do this... we have until the next... Oh, we don't have until the next meeting because the next meeting is the 19<sup>th</sup> and the time limit is January 18<sup>th</sup>. Alright, that takes that off the table. Mrs. Hornung, did staff look at any additional wording from the existing Ordinance or wording from the existing Ordinance that was not in conflict but that could serve in the best interest of the County, not necessarily the state?

Mrs. Hornung: No, staff has not researched developing a more stricter Ordinance, possibly because the SSAR is new as of July 2009 and the new subdivisions that have come into play to come under those regulations have been very few because... maybe even only one. So there hasn't been a lot of history working with this new regulation. So it's been difficult except for taking older subdivisions which would be actually difficult to compare because they were subject to the older regulations and weren't required under the calculation that is specified in the current SSAR.

Mr. Howard: Okay, thank you. Mrs. Hazard?

Mrs. Hazard: I guess my question here is we know we need to repeal things that are in conflict, to me. Now, I may need a lesson again, but 22-190, when we talk about that we need access points, as I understand it now under our subdivision... or under this, that would just mean that there needs to be a showing of an access point. But under the SSAR there's going to have to be stubs; it can't just be shown on a plat that there's an access point. I'm trying to see if there's a way we can not have a gap between repealing this and losing potentially something in the SSAR. I'm not saying I have the language, but I know my concern I believe has been in this area is if you need to show three access points, it just has to be shown on a plat but that doesn't necessarily even the homeowner knows that there's an access point there if it's not marked. Well, is that a lose understanding of how 22-190 works?

Mrs. Hornung: I think you're correct.

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Mrs. Hazard: Okay, because I'm trying to say because it seemed like then under the SSAR it was a much... there really has to be a showing of that this is a stub or nub or whatever they're called, I'm sorry, but you know it's very clear where the access point is because there are some subdivisions, as I understand, that there is an access point but right now nobody would ever know that because it's in a field or something, but you would not know that. And I'm just trying to figure out a way... I don't know.

Mr. Harvey: It may be under previous conditions it may be a platted right-of-way that's not been built. My understanding is through VDOT's SSAR standards, they're requiring the stubs now to be built, whereas in previous years they weren't necessarily required to be built. So, in older subdivisions you see more paper streets, so to speak, than you will in the future. The difference between our code and SSAR is that, for instance, the application that was under review just a few minutes ago would not be eligible to be reviewed under our Ordinance because they were under thirty-five lots; whereas, under SSAR, they had, no matter how many lots they were doing, they had to come under review.

Mrs. Hornung: And, Mr. Chairman and members of the Commission, the purpose of the SSAR, when I had the opportunity to discuss an existing subdivision and whether they would choose to develop under the old SSR or current SSAR, the impetus of this Ordinance, or this regulation, not only are the connections more concrete, that they have to be built and not just shown on the plan, as Mr. Harvey said a paper street, but that section or that entire subdivision will not be able to be accepted into the state system until they meet that calculation, whether it's... and we have different areas in the County that are suburban and urban and rural. And if they don't meet those numbers, then they either have to revisit what part of that subdivision do they ask for acceptance into the system; but if the entire subdivision meets those regulations and they decide well, we just only want to do the first ten, these ten lots over here, they cannot do that. They won't be able to do it if that doesn't meet the regulations.

Mr. Howard: Well, they could do it but they would be maintaining the roads, is that right?

Mrs. Hornung: Correct. They will not be accepted.

Mr. Howard: Right.

Ms. Kirkman: Mr. Chair? Just in terms of my colleague's concern, I think some of the older subdivisions may not have been covered by this, but don't we now have a provision I think in the Subdivision Ordinance about requiring some kind of notice for street extensions?

Mr. Harvey: Correct. There's a sign that's required to be posted at the end of a stub street, so to speak, or a paper street that's not been built.

Ms. Kirkman: And then my next question was, or just a suggestion that perhaps one way we could deal with this is along the lines of not repealing what we currently have in the Subdivision Ordinance but adding language along the lines of meeting either VDOT requirements or the requirements of whatever that section is, whichever is most... requires the most access points. And then the second thing I would offer for the Planning Commission's consideration is that any waiver from the SSAR requirements also require Planning Commission approval. But there'd be some mechanism so that the locality is involved in the decision-making process, rather than VDOT alone.

Mr. Howard: Yeah, for subdivisions with thirty-five homes or less, or thirty-four homes or less.

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Ms. Kirkman: Well, any... I guess what I'm suggesting that we, I think we might have the ability to write into our Subdivision Ordinance that any waiver from the requirements of the VDOT requirements, that they... because we're incorporating by reference the VDOT requirements into our Subdivision Ordinance, that we could require a waiver be approved by the Planning Commission for those requirements. Do you see what I'm suggesting? Mr. Harvey, do you get that?

Mr. Howard: Yes, I think so.

Ms. Kirkman: Because my primary concern is that this moves it entirely out of the localities' purview and that VDOT...

Mr. Howard: Do we have a copy of the Section 22-190, Street Access, where we could actually make the wording suggestion tonight? And it sounds like it's going to include... this is it here?

Mr. Harvey: Mr. Harvey, we handed out notebooks to the Commissioners; it has your Subdivision (inaudible).

Mr. Fields: Oh, okay, here we go.

Mr. Howard: Great. So 22-190, Street Access, streets shall be arranged to provide access to adjoining parcels where necessary to promote orderly development of the County. Major subdivisions shall provide access to adjoining parcels and subdivisions as specified below, and there's a table. And then it goes on to say the agent may grant an exception for topography and floodplain impact and wetlands, etcetera, other environmental features. Then it references Ordinance numbers on the bottom. So, I think Ms. Kirkman, what you're suggesting is if we simply added to the existing 22-190 that must also be in compliance with VDOT SSAR requirements. Is that...? Am I saying that simple enough?

Ms. Kirkman: Yes, I think that would address the... that instead of changing the whole thing, you just add an additional, as you're suggesting, that the applicant must comply with... which we actually already have that language I believe somewhere... that the applicant has to comply with all VDOT requirements. But, if we want to do it specific to access points, we could.

Mrs. Hazard: Mr. Chairman, I'm not actually arguing with the content of what we are, I'm wondering since we've gone to public hearing on it will we have to re-advertise it? I won't answer that, but I know it said we could modify but I don't know how broad the modification of adding that would require us to re-advertise.

Mr. Howard: Well, let's go to Mr. Smith.

Mr. Smith: Mr. Chairman, members of the Commission, without thinking about it too long, I think that what I've heard generally would be within the scope of the advertisement because the advertisement proposed potentially recommending...

Mr. Howard: Changes.

Mr. Smith: ... well, the Board's direction included the authority to modify, but the advertisement would have discussed the Planning Commission's potential recommendation to delete the entire standards, but it also could have, the Commission could choose to leave the existing standards in and

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the ad, if the Commission recommended that they be deleted and the Board adopted that, would have adopted the SSAR in lieu of the existing standards. So, I think that what the Board is... oh, sorry, what the Commission is proposing now is that either the existing or the SSAR would apply which I think...

Mr. Howard: Right, so essentially what I think we're saying is we would include the SSAR requirements from VDOT in our Subdivision Ordinance under 22-190, Street Access, and we would also leave the language that exists today. The question I have though, what was in conflict that we would have to take out? That's the piece I wasn't as clear on.

Ms. Kirkman: Mr. Chair, it seems like staff was saying that it was in conflict when, in fact, it was... I'm not sure what the conflict...

Mr. Howard: Was there conflict or it's just very... I mean, it's two different...

Mr. Harvey: Well, from a staff perspective, we have a concern that if you have a project, especially one that's under thirty-five lots, from the County's perspective you're not required to have any connection; whereas, VDOT may say that you have to have a connection. So that's where the two provisions are not congruent. VDOT is more restrictive than the County's regulation.

Ms. Kirkman: Because the number of lots was how ours was based rather than the number of street segments.

Mr. Harvey: Correct.

Ms. Kirkman: So, we could address... couldn't we address that by just adding a section, as you're suggesting Mr. Chair, to Section 22-190 that says applicants shall also meet the minimum requirements of VDOT access standards?

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes Mr. Rhodes.

Mr. Rhodes: So, taking your question and modifying it just slightly, we were asking why did we want to do one or other but I would take the question and ask it, if you did both together does that leave anything in there that is... same form of the question but in conflict if they're both together. And I don't know if that takes a little time to figure out or not but I think that we would just want to confirm that before we... you must do this and this if you've got one pointing ten degrees different.

Mr. Howard: I agree. So, Mr. Smith, maybe if we gave you some time to kind of peruse through if we were to include the two together, from a legal perspective obviously, this becomes an Ordinance and we don't want to put something out there that is not defensible. But if you, from your perspective, see conflict, we could change that wording, modify it or maybe you could make a recommendation to us in terms of the terms on how to put the two together. Is that doable?

Mr. Smith: Yes, Mr. Chairman. Are you requesting...

Ms. Kirkman: Tonight.

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Mr. Smith: ... tonight or...?

Mr. Howard: Well yes, but not necessarily now. We can obviously move this to the back of the agenda.

Mr. Smith: Thank you.

Ms. Kirkman: Mr. Chair, would one way to be able to deal with that without doing all the math is simply to say that whichever standard requires the most access points shall apply? I mean, that's one way to deal with it, any potential conflict that arises. We actually have some language like that generally for our Zoning Ordinance but I don't know if it applies to our Subdivision Ordinance that says the most restrictive section of the code applies when there's a conflict.

Mr. Howard: I think that would work, but let's have Mr. Smith think through that.

Ms. Kirkman: Sure.

Mr. Smith: Yes, I am familiar with the language that Ms. Kirkman is referring to and I think something like that would work in this case.

Mr. Howard: So the most restrictive would prevail obviously, right?

Mr. Smith: And I would think it would be helpful to reference the specific statute for the SSAR to make it clear which standards apply to this and which standards we would be comparing it against.

Mr. Howard: Okay, thank you. We will... we have six minutes before our public... we have one public hearing and we also will have public presentations. Item 3 is the Comprehensive Plan Compliance Review for Miracle Valley Sewer Line Extension, which is in the Falmouth District. Did we dispose of that at the last...? We did not, right?

3. COM1000010; Comprehensive Plan Compliance Review - Miracle Valley Lane Sanitary Sewer Extension - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of gravity sanitary sewer outside of the Urban Services Area a length of 505 linear feet to serve two residences, located on the north side of Deacon Road and east side of Grafton Village Elementary School on Assessor's Parcels 54-132, 54-133A and 54-133B within the Falmouth Election District. **(Time Limit: January 5, 2011) (History - Deferred at May 19, 2010 Meeting to June 2, 2010 Meeting) (Deferred at June 2, 2010 Meeting to October 6, 2010 Meeting) (Deferred at October 6, 2010 Meeting to December 1, 2010 Meeting) (Deferred at December 1, 2010 Meeting to January 5, 2011 Meeting)**

Mr. Hirons: Well, I believe on the agenda it mentions that the applicant has withdrawn because of the passage of the Comprehensive Plan and I also believe it said somewhere no further action by the Planning Commission was necessary.

Mr. Harvey: Yes, Mr. Chairman, staff would recommend the Commission delete it from the agenda.

Mr. Howard: Is there a motion to delete item 3?

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Mr. Hirons: So moved.

Mr. Howard: Second?

Mr. Rhodes: Second.

Mr. Howard: Any discussion? All those in favor of deleting the Comprehensive Plan Compliance Review for Miracle Valley Lane Sanitary Sewer Extension signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Then we have the Mount Hope Estates; that was moved to January 19<sup>th</sup>. The residential Facilities was moved to the 19<sup>th</sup> also. And, Mr. Harvey, any update on the Rappahannock River Overlay?

4. SUB1000107; Mount Hope Estates - Preliminary Subdivision Plan - A preliminary subdivision plan for 16 single family residential lots on private well and septic systems, zoned A-1, Agricultural consisting of 57.93 acres located at the end of Mount Hope Church Road, approximately 3,700 feet west of its intersection with Brooke Road on Assessor's Parcels 39-25 and 39-46 within the Aquia Election District. **(Time Limit: January 26, 2011) (History - Deferred at November 3, 2010 Meeting to December 1, 2010 Meeting) (Deferred at December 1, 2010 Meeting to December 15, 2010 Meeting) (Deferred at December 15, 2010 Meeting to January 19, 2011 Meeting)**
5. Discussion of Residential Facility **(Time Limit: March 1, 2011) (Deferred at December 15, 2010 Meeting to January 19, 2011 Meeting)**
6. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) **(Time Limit: October 6, 2010) (History - Deferred at June 16, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010) (Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting) (Deferred - Requesting additional time from Board of Supervisors)**

Mr. Harvey: No sir.

Mr. Howard: Can we send another request on that?

Mr. Harvey: Yes sir, will do.

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Mr. Howard: And the rest are in committee until the 6<sup>th</sup>. And we moved item 10 to the front of the agenda so that was taken care of. So, item 11, which we'll have exactly three minutes to get started on, is the Lorraine Gordon Family Subdivision. And we'll hear from staff on that?

7. Discussion of Conditional Zoning (Proffers) **(Time Limit: April 6, 2011) (In Committee)**
8. Discussion of Privatized Liquor Sales **(Time Limit: April 6, 2011) (In Committee)**
9. Discussion of Transfer of Development Rights (TDRs) **(Time Limit: April 6, 2011) (In Joint Committee)**

NEW BUSINESS

10. SUB1000222; Ambrose Estates, Preliminary Subdivision Plan - A preliminary subdivision plan for 12 single family residential lots on private well and septic systems, zoned A-1, Agricultural consisting of 47.7 acres located on the west side of Greenbank Road approximately 1,700 feet south of Walnut Grove Drive on Assessor's parcels 44-18 and 44-19 within the Hartwood Election District. **(Time Limit: March 18, 2011)**

Discussed before item 1.

11. SUB1000315; Lorraine Gordon Family Subdivision; 5:1 Lot Ratio Waiver Request - A waiver of the frontage to depth ratio for a family subdivision zoned A-1, Agricultural, located on the south side of Kellogg Mill Road between Mountain View Road and Ramoth Church Road on Assessor's Parcel 28-81 within the Hartwood Election District. **(Time Limit: March 18, 2011)**

Mr. Harvey: Mr. Chairman, in a moment LeAnn Ennis will be giving the presentation on this waiver request.

Mr. Howard: We called you up sooner than you thought. That can be good and that can be bad. And you're only going to have three minutes and then we're going to take a time out.

Mrs. Ennis: Now I've got two, right? Okay, item number 11 is a waiver for a request for a 5:1 lot shape ratio. I don't have my power point, I'm sorry.

Mr. Howard: That's okay.

Mrs. Ennis: Computer please. Thank you. So, item number 11 is for Lorraine Gordon Family Subdivision for 5:1 Lot Shape Ratio. It's project number 1000315. The applicant is Henry Cropp, the surveyor. The owners are William Gordon, Robert Gordon and Bonnie Taylor. The application date was October 26, 2010. It's on Assessor's Parcel 28-81; it's located on the south side of Kellogg Mill Road east of Mountain View Road. The size of the property is 47.448 acres, it's zoned A-1 Agricultural, and they're requesting for two lots for the 5:1 lot shape ratio. It's within the Hartwood Election District. This is an aerial view of the subdivision of the parcel of where they're proposing to do. It's a little hard to see, but I wanted to point it out you can see where all the trees are and the dark green that goes up into the middle is a ravine. The request for the waiver is for parcels 1 and 3. Section 22-143 states that the depth shall not be five times its width.

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Mr. Howard: What's on the middle lot?

Mrs. Ennis: That is a residential house that is existing now with a drainfield and that is going to, by the will, to Bonnie Taylor. So, that's existing and that lot does meet all our lot shape ratio ordinance and subdivision ordinance.

Mr. Howard: So the length of that lot is not three times its width? More than three times?

Mrs. Ennis: No sir. It's measured across the front where the road frontage is. And here I wanted you to notice that the topo, you can see where the topo is very close together so you can see that it falls pretty quickly. Parcel 3, which is the lot over on the right, is the lot shape ratio which is required to be 5:1 is 9:1, and lot 1 is 10:1. The request for the waiver is due to the drainfield locations and the topo. And the property, as you can tell, is triangular shaped and it has very steep slopes from three quarters of the property back. It has wetlands to the rear of the property as well. Staff recommends approval of application 1000315 for Section 22-143(a), Shape of the Subdivision Ordinance, for Lorraine Gordon. Any questions?

Mr. Howard: Are there any questions? I know we have a few seconds but, questions for Mrs. Ennis? Mrs. Hazard?

Mrs. Hazard: Actually I think I'll wait until we go into public... at 7:30.

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**7:30 P.M.**

**PUBLIC PRESENTATIONS**

Mr. Howard: Okay. Well, we'll ask you to come back up as soon as we conclude the public comments and the public hearing. We'll now open up the meeting for public comments. And the public comment time at this meeting is where you can address the Planning Commission on any item you wish to other than items that are currently on the agenda for public hearings. And we do have one public hearing this evening which is the Conditional Use Permit for Living Hope Lutheran Church. So if you're here to talk about that, you'll have that opportunity during that public hearing. But during the public comments and presentation you may address the Planning Commission on any issue you wish to. We will not address you back but we certainly will take your comments to heart, try and get you an answer if we can tonight; we won't have two-way dialogue back and forth but we certainly will try and get an answer as I indicated. So I will now open up the public comment or public presentations portion of the meeting. Anyone wishing to address the Planning Commission on anything other than the CUP may do so by stepping forward to the podium. You have three minutes to address us, by the way. When the green light goes on the three minutes start, when the yellow light goes on there's about a minute left, and when the red light goes on we would just ask that you conclude your comments and allow the next speaker to speak. And that would be the same for the public hearing as well.

Mr. Waldowski: Can you get the computer for me?

Mr. Howard: Computer please. You have to tell us who you are Mr. Waldowski.

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Mr. Waldowski: As soon as I get set up.

Mr. Howard: We won't start the clock until you tell us who you are.

Mr. Waldowski: Okay. Paul Waldowski. I'm starting a new approach in the new year. I will bring seven slides, not because there are seven Planning Commissioners. But I love Albert Einstein as most of you must know and this is better than the kiss principle because HOAs are simple but they're really corporations. So are UDAs. And the reason I'm here today is because I like to make my own acronyms, like HOAs are Houses of Aristocrats or Houses of Augustine or Houses of different other aspects. I like to call the sub of suburban the... I went and looked up the word suburban on the internet and I interjected my other aspects. And the reason I bring the term up is because suburban, the sub could be Stop Urban Baloney. And urban... today I was up in D.C. and I was at Gallery Place which is an urban area which has many condominiums and nice businesses to eat at. And I know Richmond is a city because we do live in a Commonwealth, but Stafford is a County. And I'm not going to sit here and read all the aspects of suburban because... because I want to go through my seven slides quickly. Now, as you all know, when you're dealing with a UDA, I'm sure you're all aware of the Transportation Plan and one of the things I don't see on the Transportation Plan are the golf courses. Oh, those are... that's what people use in urban areas, to get around on golf carts and bicycle paths. But I guess if you go to The Gauntlet or Augustine, that's where you'll see those. Now what's really... technical difficulties. Where's my slide?

Mrs. Hornung: Hold on, I'll fix it for you.

Mr. Waldowski: Thank you. Okay, as you know, we have the Census coming and we're going to have the election districts. And if you don't know what gerrymandering is, when I first looked at this the first thing I thought about, I saw this little area called Garrisonville and I know there's like 13,000 people in that area when that was built and made me think of that. But the main reason I'm here is to show that we are going to get a new tool out there called a GIS but if we still use the bad practices, well, we're going to get the same results. Now, let me give you an example of right here is a new subdivision; it's The Gables built in 2005, last decade. We have a storm pond at the end which had all the existing vista woods. We even created a County park here, but there's a storm pond for the over 55 and the County's paying for that. We're waiting for that YMCA that will come there. Now, I'll just go through these two more slides real quickly. This is another example of what I call a 20<sup>th</sup> century UDA and right here is the storm pond that I've talked about the last year. It's right here on the... and that's where the subdivision was built with Cabin Creekwood with 107 townhouses that are paying for that storm pond while Shenandoah fills in there. So does Meadows Farms and the Wawa is up here. Now I'll conclude by simply showing another part of a UDA; these are condominiums here, these are all townhouses and yet we have no infrastructure except here's where the CVS is and if we were medical people we could walk to there. So, I'm just trying to show you that we do live in a suburban area, not a urban area. Thank you for allowing me the extra time Mr. Chair.

Mr. Howard: Thank you Mr. Waldowski. Anyone wishing to address the Planning Commission may do so by stepping forward to the podium. See no one else advance at this time, I will close the public presentations and now open up the public hearing for CUP1000340, Conditional Use Permit, Living Hope Lutheran Church. And this is a request to amend an existing Conditional Use Permit.

PUBLIC HEARINGS

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12. CUP1000340; Conditional Use Permit - Living Hope Lutheran Church - A request to amend an existing Conditional Use Permit, specifically condition # 6 of Resolution R07-454, to change the required fence material from wood to vinyl, in an A-1, Agricultural Zoning District on Assessor's Parcel 28-117 consisting of 17.5 acres, located on the north side of Courthouse Road, approximately 600 feet east of Walpole Street, within the Rock Hill Election District.  
**(Time Limit: April 5, 2011)**

Mr. Harvey: Mr. Chairman, Amy Ansong will be making the presentation.

Ms. Ansong: Good evening Mr. Chairman and members of the Planning Commission. I stand before you tonight to present a CUP minor amendment for Living Hope Lutheran Church. Computer please. Living Hope Lutheran Church CUP minor amendment, CUP1000340, this is a Conditional Use Permit. The applicant is the Board of Supervisors. The Tax Map parcel is 28-117. Location, it is located on the north side of Courthouse Road and in terms of size, the site area is seventeen and a half acres. For the CUP minor amendment for Living Hope Lutheran Church, they are seeking a minor amendment to condition number 6 in the existing CUP to change the required fencing material to include vinyl. This map represents the existing zoning of Tax Map 28-117. It's A-1, Agricultural. This is the Comprehensive Plan Land Use Map; it's Suburban outlined in the green for Living Hope Lutheran Church. This is an aerial photograph of Living Hope Lutheran Church, the site is outlined in red. Back in December 2007 a CUP was approved, Resolution 07-454, with fourteen conditions. One of the conditions stated that the fencing material would be restricted to wood. The property was not in compliance with the existing condition due to their vinyl fence. This happened a couple months ago when our Zoning Inspector went out there and they weren't in compliance due to the fact that they had a different fencing material. So, the applicant is asking for a change in the required fencing material. This is a GDP of the site, Living Hope Lutheran Church, Tax Map 28-117. Now we have some site photos. This is Living Hope Lutheran Church; if you're in the parking lot and you're facing the church, it's the right side of the church. As you approach the back of the site, this is the vinyl fence that they currently have on their site right now, the white vinyl fence. Here's another photo depicting the white vinyl fence that currently on their site, behind the church. Here's another photo as well. This is the proposed condition for CUP1000340, Living Hope Lutheran Church; "the outdoor play area shall be enclosed by a six (6) foot high wooden slat fence or vinyl fence, or any other type of fencing made of any strong, durable and sturdy material. Metal fencing, such as chain link fencing, is prohibited." Staff believes the request for the minor amended conditions meets the standards for issuance of the Conditional Use Permit. Staff recommends approval of the application with the condition specified in R11-17. Are there any questions?

Mr. Howard: Thank you. I'll bring it back to the Planning Commission; are there any questions of staff? I don't think there are any questions. I know the applicant is the Board of Supervisors but I do see the Pastor of the church here and I'm not sure if they want to say anything.

Pastor Rueter: Mr. Chairman, Gary Rueter, resident of Stafford County. It hasn't made much sense to us that this was required to be wood. Everyone who has come out, the Department of Social Services as they have looked at the vinyl fence, they say this is preferable. Children will not get splinters through this, it's a sturdy fence, it's well-built. And it was just our mistake; we were actually advised by the contractor who put it in. He had checked with the County whether it could be put in and there was no ordinance against vinyl fence. He didn't realize there was a CUP that had the statement on it from the Board of Supervisors. We put up the fence and then it couldn't be approved. And so that's why we're requesting a change. And we would really appreciate your looking at this and it'll be good

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for the children that are there and it works out well for us. It's actually a fence that can hardly be seen by anyone else; it's on the back of our building. Maybe people on Harris Lane can see it but it's not an obstruction to anyone.

Mr. Howard: Thank you. Any questions for...? No? Okay, hearing none I will bring this back to the Planning Commission.

Ms. Kirkman: Mr. Chair, you need to do the public hearing.

Mr. Howard: Oh, that's right. We have to have a public hearing on that. Thank you. We will now open up the public hearing, so anyone wishing to address the Planning Commission on the item before us which is the Conditional Use Permit which is changing the fence material from wood to vinyl or some other material other than metal fencing may do so by stepping up to the podium now. You have three minutes to address us. Okay, I'll now close the public hearing and bring it back to the Planning Commission. And this is in the Rock Hill Election District because I drive by it every day. I will surrender the chair to Mr. Rhodes. Mr. Rhodes? And I will make a motion for approval of CUP1000340.

Mr. Mitchell: Second.

Mr. Rhodes: Moved and seconded. Is there any discussion? Hearing no discussion I'll take a call for the vote. All those in favor please signify by saying aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Howard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Rhodes: Aye. All those opposed say nay. No opposed, it passes 7-0. Mr. Chairman, back to you.

11. SUB1000315; Lorraine Gordon Family Subdivision; 5:1 Lot Ratio Waiver Request - A waiver of the frontage to depth ratio for a family subdivision zoned A-1, Agricultural, located on the south side of Kellogg Mill Road between Mountain View Road and Ramoth Church Road on Assessor's Parcel 28-81 within the Hartwood Election District. (**Time Limit: March 18, 2011**)

Mr. Howard: Thank you. Thank you very much. Have a good night. Okay, now we're back to where we left off which was the Lorraine Gordon Family Subdivision.

Mrs. Ennis: Computer please. Thank you. So, parcel number 3 is proposing a 9:1 lot shape ratio and parcel number 1 is proposing a 10:1 lot shape ratio. The request for the waiver is due to the drainfield locations and topo. The property is triangular in shape and has steep slopes and wetlands in the rear of

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the property. Staff recommends approval of the application 1000315 for Section 22-143(a), Shape of the Subdivision Ordinance for Lorraine Gordon Family Subdivision.

Mr. Howard: Thank you Mrs. Ennis. I think Mrs. Hazard had the floor and was going to ask a few questions.

Mrs. Hazard: Actually, I was going to wait for the applicant for the additional information.

Mr. Howard: Oh, we'll hear from the applicant.

Mrs. Ennis: I couldn't remember where I left off, sorry.

Mr. Howard: No, no, that was good.

Mrs. Hazard: That's fine; it got us back on track.

Mr. Howard: So you don't have any questions? Okay. Would the applicant like to come forward and address the Planning Commission?

Mr. Gordon: Good evening ladies and gentlemen; I am one of the applicants. I am Robert W. Gordon.

Mr. Howard: Good evening. You can basically address us and this is your time to explain what it is you're trying to accomplish. And if there's anything you can add to what you're trying to accomplish that we should know about, this is the time that you would want to tell us about that.

Mr. Gordon: We're just trying to divide a property up. Our parents died and there was a will left stating how the land was to be divided, how it was, the boundary lines. We all knew by being in the family where this line should be, which child would get whatever. And because of the lay of the land, two homes are already on the land and my lot doesn't have any. But the flat land is all sort of up towards the road. You get back away and then you go off a steep ravine, there's streams; a contractor may be able to get something across there but me just as a private homeowner I have no means of doing anything to that property other than put a house maybe on the front side. I went back as far as I could and put a drainfield site, maybe not quite halfway back to get sort of off the road and in between the two lines. And if there's any questions...

Mr. Howard: Mrs. Hazard, do you have a question?

Mrs. Hazard: Mr. Gordon, if you could, I believe you brought a copy of the will with you, if you could just read how the property was left to you all, that just may be helpful for the other Commissioners just to know how it was left to you all.

Mr. Gordon: How each child was to get it. And this was my mother's will and she says "I currently own forty-six and a half acres. I give, devise and bequeath my house and ten acres to my daughter, Bonnie Jean Taylor, sixteen and a half acres to my son, William W. Gordon, Jr., and twenty acres to my son, Robert William Gordon. I may make a subdivision a family subdivision on this property and deem those parcels to my children during my lifetime. If I have not done so, then I expect my children to agree upon the appropriate boundaries for this parcel."

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Mrs. Hazard: Thank you. I just think that was helpful for others who have not seen the will and how that was put forth.

Mr. Howard: Thank you. Mr. Fields?

Mr. Fields: Yeah, I have a couple questions. Is this a property... before the subdivision, has this property been in land use at all?

Mr. Gordon: It has, yes.

Mr. Fields: For timbering?

Mr. Gordon: Yes.

Mr. Fields: Now, that's a minimum of twenty acres for timbering?

Mr. Gordon: That's correct.

Mr. Fields: So, these other parcels will no longer be able to be in that category?

Mr. Gordon: Other than my twenty acres.

Mr. Fields: Had you considered... I mean, I certainly know that you're bound to a certain degree at least initially to comply with the will, and it's really more of a suggestion than a question. I mean, certainly, had you thought about actually putting the bulk of it into a conservation easement or into a lot where you could maintain the land use and minimize your... because now unfortunately obviously under twenty acres the only way to get land use would be for an agricultural use which I assume that would be a novel use for you guys. And so I just wondered if you thought about putting a conservation easement or something on a bulk of that open space that was just forest and ravine so you wouldn't be taxed for it. Has that ever been a consideration?

Mr. Gordon: I've read about it but I don't know if it ever came into a consideration or not.

Mr. Fields: In other words, it's just kind of a... I guess it's really none of my business but just sort of a suggestion, sixteen acres without land use of course changes the tax liability dramatically, dramatically. And I'm just thinking there's probably ways around that where you could... I don't know if through land use, but through the conservation easement you could take the bulk of that property obviously that you're not really using for your house and yard which is really out of forty-some acres you'll probably only need ten acres total to really... as a living space so to speak. And you could have that as a conservation easement with a common area and all the deed restrictions and covenants that you would need to put on it. But it would dramatically change your tax liability and actually act as a constructive step not only for your family but for the County as well. Just something to think about.

Mr. Gordon: Correct. But I'm just answering for my twenty acres, I know that is all woods.

Mr. Fields: Right.

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Mr. Gordon: Nothing is on it; no house, no nothing. But my brother and sister, now they have a house and my assumption, not answering for them, is to pass onto grandchildren. Ten years from now a grandchild needs three acres. (Inaudible.)

Mr. Fields: So there is an intention to further subdivide the property?

Mr. Gordon: I beg your pardon?

Mr. Fields: There is an intention then to further subdivide the three parcels into further smaller parcels?

Mr. Gordon: Not at this time, no.

Mr. Fields: But at some point in the future.

Mr. Gordon: Yeah, but to keep it in the family.

Family member: It's not to be sold.

Mr. Fields: Okay, thank you.

Family member: It's been in the family for about eighty years or so.

Mr. Fields: I understand; that's a great thing.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I actually have questions for staff.

Mr. Howard: Okay, are there any other questions for the applicant while they're up? Thank you very much.

Mr. Gordon: Thank you.

Ms. Kirkman: The two questions I had for staff is actually how do the rollback taxes work in a situation like that, because it will be going out of land use for subdivision. Does that mean they'll have to pay rollback taxes for the last three to five years on the entire acreage?

Mrs. Ennis: That's my understanding how it works, is you go back to when it was put into land use and you pay the taxes that have accumulated. If you take it out of land use.

Ms. Kirkman: And then the second question I have is what does it mean to create a non-conforming parcel like this, because it's no longer in compliance with out ordinance once it's created. And does that cause problems when they go to get building permits and that sort of thing?

Mr. Howard: Mr. Harvey?

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Mr. Harvey: Mr. Chairman and Ms. Kirkman, by granting the waiver you would, in essence, allow this to be a conforming lot because you've granted the exception to the code.

Ms. Kirkman: Okay. And then they did mention a possibility of further subdividing for family purposes. But would they be able to do that? I mean, they're going to be like, because of the shape of these parcels, they're going to be right back in front of us again, aren't they?

Mr. Harvey: That's a possibility; it depends on how the lots are proposed to be configured.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Yeah, I'm not sure how you would get access to too many homes on that property. I thought Mr. Fields asked a good question. I know one of the lots are slightly over twenty acres and if there's no dwellings on that I guess that's different. But I do see a drainfield drawn on that and Mr. Gordon explained it.

Ms. Kirkman: Yeah, if they created a large parcel in back for conservation purposes...

Mr. Howard: How much money could they save. Yeah, quite a bit.

Ms. Kirkman: Yeah.

Mr. Fields: Substantial.

Ms. Kirkman: Not that we're in a position to advise them or anything.

Mr. Howard: No. Well, and I'm not sure how strict the will is either.

Mr. Fields: Mr. Chairman, if I could... I don't mean to interrupt. If, and I understand that... I've experienced that quite a bit of course in the George Washington District as well, people with parcels that have been in the family over a long period of time. I would just maybe offer to them, even if they think it's a while down the road, given the way things change just even this evening's deliberations about lots of things, I think times change, standards change. It would probably be to their benefit to, sooner rather than later if they really think that they might want to get other lots off of that, to think about how that's going to occur in terms of where the drainfields are going to be, how access is going to be granted. Because if we grant these waivers, which is certainly fine in terms of I wholly support the family staying on the land but I also have seen quite a bit, seen many, many times where people inherited... families inherit large family parcels, that they have assumed, just simply assumed over the years they were going to build three acre lots for subsequent family members and when the time came to actually put those lots on the ground in the terms of all the engineering and the details in compliance with the code, they were completely unable to do that. And it's, of course, a very rude awakening and very unpleasant for everybody. And so I'm just sort of trying to head something off, you know, before it becomes an issue; just from experience.

Mr. Howard: Yeah, or encourage them to go investigate some of that. And then making the back portions of those parcels conservation could save you a significant number of tax dollars because, to Mr. Fields' point and Ms. Kirkman's point, you may not have buildable property here to the extent that someone thinks there could be just because of the slopes and the environmental issues that you have on

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that property, in addition to it's really non-conforming today. So, while this CUP would waive some of that issue going forward in the future, it doesn't protect you against all those other issues that are sure to come up which is what Mr. Fields was indicating. So, I'm not sure if there's any other comment from anyone or questions? Okay, this is in the Hartwood District.

Mrs. Hazard: Well, Mr. Chairman, then I would move for SUB1000315, the Lorraine Gordon Family Subdivision, that we would grant their waiver request concerning the 5:1 lot shape ratio.

Ms. Kirkman: I'll second.

Mr. Rhodes: Second... go ahead.

Mr. Howard: We're in discussion.

Mr. Fields: I think if... and it's part of the record because of the Planning Commission... but I would appreciate if maybe as part of the motion, make sure that we include the comments that we've had about just simply it's not a requirement or a negative, it's just simply all the members of the Planning Commission are concerned that moving forward that the family is able to stay there and prosper for many generations to come. And so these are all factors... please understand I think that these are all factors and if those comments could be at least highlighted in their official documentation to some degree so at least they have the resources and know where to answer those questions.

Mr. Howard: So, is there a way to add the comments to the actual CUP I guess is really the question.

Mr. Fields: Or just as an addendum. I mean, as part of the record... I'm just sort of asking that the minutes of this conversation, make sure that the family is given those so that they're able to explore those ideas if they choose to do so.

Mr. Harvey: Yes, Mr. Chairman and Mr. Fields, we'll include the minutes in the approval letter.

Mr. Fields: Thank you very much.

Mr. Howard: Any other discussion? Hearing none I'll call for the vote. All those in favor of approving the Lorraine Gordon Family Subdivision lot shape ratio waiver request signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

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Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Thank you.

Ms. Kirkman: Mr. Chair? Could I ask a question of staff?

Mr. Howard: Yes.

Ms. Kirkman: Just going back to the issue of the rollback taxes... I was curious about how that works. Like if they were to only divide off like two three-acre parcels then would they have a large enough parcel that they would then be able to keep the remainder in the forestry land use?

Mr. Harvey: Mr. Chairman and Ms. Kirkman, it's my understanding you have to pay the rollback taxes on the lots that are created that don't comply.

Ms. Kirkman: So, anything that they could keep that's large enough to meet the forestry use, they would not have to pay rollback taxes on.

Mr. Harvey: Correct.

Ms. Kirkman: Okay.

Mr. Harvey: The Commissioner of Revenue could verify that, but that's the way I understand it it works.

Ms. Kirkman: Alright. I wasn't sure if they did it on the whole parcel or just what got taken out. Thank you.

Mr. Howard: Thank you; good question. Okay, that brings us... is it possible?

Mr. Rhodes: Item 2.

Mr. Howard: Oh, we're back up to item 2?

Mr. Rhodes: We're not that fast.

Mr. Howard: Right. Mr. Smith was working on item 2 for us wordsmithing, literally, wordsmithing. Alright, nobody caught the joke Mr. Smith, you were wordsmithing. Here's some proposed language; major subdivisions shall provide access to adjoining parcels and subdivisions (i) that meet the state secondary street acceptance requirements adopted pursuant to Virginia Code 33.1-70.3 or (ii) as specified in the table below, whichever is more restrictive. So that table would remain. And then it goes on to say the agent may grant an exception for the required number of access points specified in the above table, which I think was part of the original or no? So let me read it again. So, major subdivisions shall provide access to adjoining parcels and subdivisions (i) that meet the state secondary street acceptance requirements adopted pursuant to the Virginia Code or (ii) as specified in the table below, whichever is more restrictive. That sounds like it meets it, if anybody wants to take a look at it. Okay. Does somebody want to make that motion?

Mr. Fields: So moved.

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Ms. Kirkman: Second.

Mr. Howard: Discussion? All those in favor of the amendment to the... it's really the amendment to what's in front of us, but the motion that was made by Mr. Fields... do you have that for the record? What the motion is? I'll read it again.

Mr. Rhodes: We'll hand the yellow piece of paper over.

Mr. Howard: Here it is. All those in favor of the motion as read, as I read it, signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

Ms. Kirkman: And just to clarify, the motion is to recommend approval of that to the Board.

Mr. Howard: Recommend approval, right.

Ms. Kirkman: Thank you Mr. Smith.

Mr. Howard: Thank you Mr. Smith for the wordsmithing. Planning Director's report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. At yesterday's Board meeting there was discussion about the Comprehensive Plan and next steps. As you may have heard, the Board of Supervisors adopted the Comprehensive Plan but did not approve it with two of the UDAs. They did not adopt the UDAs for Stafford Station and Brooke Station. That leaves approximately 4,000 dwelling units to be allocated somewhere else in the County in order to comply with state requirements for the Urban Development Areas. The Board assigned a committee of Mr. Milde, Mr. Woodson and Mr. Snellings to work with the Planning Commission's committee members to begin that process of the discussion. They've agreed that Rhodeside and Harwell, which is the consultant working with the County on behalf of an agreement we have with VDOT, that they'll work with the consultant to help identify those areas where those units should land. Tentatively, they're looking at possibly a meeting on the 13<sup>th</sup> which is next Thursday at 5:30 p.m. That has not been set yet officially, but that's in the works right now.

Mr. Howard: Would that be here in this building?

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Mr. Harvey: It will be in this building; I don't know the location.

Mr. Hirons: By the invite, it was in the County Administrator's conference room.

Mr. Harvey: So once we know that the meeting's been confirmed, I'll advise the Commission in case you want to attend.

Ms. Kirkman: Did the Board side of the subcommittee meet on this yesterday? Or was it just a discussion of the Board as a whole?

Mr. Harvey: It was a discussion at the Board level as a whole.

Ms. Kirkman: Okay, thank you.

Mr. Harvey: There was also discussion about the process; what happens with the UDAs after the work of the committee and the allocation of the 4,000 dwelling units. And the Board, in its discussions yesterday, created a number of standing committees. They have an Economic Development Committee which will be working with Rhodeside and Harwell and staff and the Commission on further work on UDAs. As you may recall from the previous discussion, the consultants are to help us and the County with identifying the UDAs and also doing some more detailed study and creating a small area plan for one of the UDAs and also developing ordinances that we can implement the UDAs. And those ordinances and changes to the Comprehensive Plan have to be accomplished by the end of September of this year. So, there will be more work involved and that will be spearheaded through this standing committee of the Board in helping to direct that. That standing committee of the Board is comprised of Ms. Stimpson, Mr. Milde and Mr. Crisp.

Ms. Kirkman: Is that September deadline, is that a state mandate or is that a Board imposed deadline?

Mr. Harvey: That's pursuant to the County's agreement with VDOT with regard to the use of the consultant.

Ms. Kirkman: So the consultant has to finish their piece by that point.

Mr. Harvey: Yes. And I believe it says the County has to amend our Comprehensive Plan and adopt ordinances as well. And then, finally, I just wanted to remind you all that your Conflict of Interest Act Disclosure forms are due to the County; one form I think is due to the 15<sup>th</sup>, the other is due the 18<sup>th</sup>. And that concludes my report.

Mr. Howard: Thank you. Mr. Harvey, we have committees... I want to make sure I have this right... on the Planning Commission we have the Zoning and Proffer Committee which also was undertaking the Privatized Liquor Sales; that was combined into one. Is that correct?

Mr. Harvey: That's my recollection.

Mr. Howard: Okay. I just wanted to make sure from a record-keeping perspective. We also... I thought we were going to create a TDR Committee and I think we did, right?

Mr. Harvey: Yes.

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Mr. Howard: So, then was there another committee? We had the Transportation Committee but that disbanded I thought in November. So those were the only three, right? There were three... well, two committees, two we combined into one. Is that correct?

Mr. Harvey: Those are the committees that I recall at this time.

Mr. Howard: Alright. And then there was the... well, the other committee would be the joint committee on the...

Mr. Rhodes: UDAs.

Mr. Howard: UDAs, right.

Mr. Harvey: Yes, and the TDR Committee is also a joint committee.

Mr. Howard: Okay. Alright, thank you.

Ms. Kirkman: Mr. Harvey, do we have a notary here tonight? One of the... okay, great. Thanks.

Mr. Mitchell: Mr. Chairman, Mr. Hirons and I were talking before the meeting about the scheduled... not scheduled, but the potentially scheduled meeting. I had contacted the County office and sent in an email and my request, and I'm just one member, but my request is to try to hold the meetings in the evenings. If the 5:30 could be 6:30 it would assist me greatly getting from work to here. Again, I'm not trying to shove everyone else's schedule into a disarray but it'll be tremendously easier for me to make the 6:30 than a 5:30, realizing it's not locked in stone. Just if I could send that message up please. Thank you sir.

Mr. Howard: Thank you. Mr. Harvey, did you provide in that book also the meeting calendar?

Mr. Harvey: Yes Mr. Chairman.

Mr. Howard: I want to look at that in a minute in the Chairman's Report, but is there a County Attorney's Report this evening?

COUNTY ATTORNEY'S REPORT

Mr. Smith: No report Mr. Chairman.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Mr. Howard: Thank you. Can we pull the calendar out?

Mr. Harvey: Mr. Chairman and Commissioners, there is a tab in the front of your notebook which stipulates Meeting Dates.

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Mr. Howard: So, I guess the question is, and I'll defer obviously to the will of everyone here, in the past we've up front taken some dates off the summer to free up the calendar and then around the holidays. Is there an appetite to do that again and maybe be a little more specific? I think in December we kind of shafted ourselves by keeping the two meetings; so do we want to look at that, because we really didn't look at holidays probably as close as we could have last year.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes, Mr. Rhodes?

Mr. Rhodes: I would just add that I don't know that December was so bad given that it was such an early set of first and third Wednesdays being the (inaudible).

Mr. Howard: That's right; this is three days before Christmas.

Mr. Rhodes: Whereas, you look at... yeah, this is a little different than what it was this year when you're in that week. And we've got to think about it. It's not just our activities, it's the activities of everybody who needs to attend (inaudible) staff going forward. So, I do think this one is a different dynamic and similarly so staff and others and folks can plan summer schedules, we've typically I think used the last of one month and the first of another to kind of roll it over there. Whether we do that in the August/September or the July/August; I think we've typically done the July/August? Yeah, July/August.

Mr. Howard: Well, if you look at the July, it's July 6, two days after the 4<sup>th</sup>. So maybe that's the one we...

Ms. Kirkman: Typically the Board cancels its last meeting in July and its first meeting in August.

Mr. Howard: That's right.

Ms. Kirkman: I think that's typically what we've done.

Mr. Rhodes: Do we want to... has the Board taken, did they take any action on that?

Mr. Howard: I'm not sure. Mr. Harvey, did they change their calendar yet? I doubt that they did.

Mr. Harvey: I understand they did change their calendar but I do not know how it was changed.

Mr. Howard: Okay.

Ms. Kirkman: The other thing, if... given the July 6 date, what we might want to do is do the next Wednesday, the 13<sup>th</sup>, and have that be the sole (inaudible).

Mr. Howard: Just for the July meeting.

Ms. Kirkman: And then cancel the first in August.

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Mr. Fields: I will note, too, that we will have a conflict that this is an election year, that November 2<sup>nd</sup> usually turns into a conflict because the Board will generally not meet on Election Day and quite often bumps their meeting to the Wednesday and bumps us as a result of that. That's traditionally happened in Election years so we may want to look at that November date as well.

Mr. Hirons: Election Day won't be on the 1<sup>st</sup>.

Mr. Fields: It won't?

Mr. Hirons: No, because it's the first Tuesday after the first Monday, right?

Mr. Fields: Oh, I did not realize that. So, if Election Day is on the 8<sup>th</sup> then it won't be (inaudible).

Mr. Hirons: Yeah, it is the 8<sup>th</sup>.

Mr. Fields: Okay.

Mr. Howard: Alright, so is there a motion to amend the calendar as follows: moving the July 6<sup>th</sup> to the July 13<sup>th</sup>, eliminating the July 20<sup>th</sup> and eliminating the December 21<sup>st</sup>.

Ms. Kirkman: And the August 3<sup>rd</sup>.

Mr. Howard: And the August 3<sup>rd</sup>.

Mr. Fields: Eliminating July 20?

Mr. Howard: Yes. We would eliminate July 6<sup>th</sup>, July 20<sup>th</sup>, August 13<sup>th</sup>, December 21<sup>st</sup> and add July 13<sup>th</sup>. What did I say? August 3<sup>rd</sup>?

Mr. Rhodes: So, July 6, July 20 and August 3 go away; in their place is July 13. And then August 21 goes away, knowing that... or December 21 goes away knowing that as we did this year we can always add them back.

Mr. Fields: Right.

Mr. Howard: Right. But at least we're not...

Mr. Fields: Give everybody a heads up.

Mr. Howard: A motion to entertain?

Mr. Rhodes: So moved.

Mr. Fields: Second.

Mr. Howard: Any further discussion on that? Hearing none I'll call for the vote. All those in favor of the motion to amend the Planning Commission Meeting Schedule for 2011 signify by saying aye.

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Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. And then I wanted to bring up... I think there's a need and again I'll defer to the will... of a Comp Plan Implementation Committee, and to get some Commissioners working on that along with staff obviously. And then we talked last year, we never really did it, but kind of reviewing the By-laws, going through the By-laws and getting those up-to-date if need be... so that came up last year as well. So, does anybody have comments on that?

Mrs. Hazard: Mr. Chairman, I do feel pretty strongly about an Implementation Plan being put together for any document that we're going to have for the County that I believe that's something is within our purview and actually required as well. And I would be interested in serving in that area if we do so to a committee in that.

Mr. Howard: Any other comments?

Mr. Rhodes: I just would comment that I think that that's one of the more important things we're going to do, is getting a good solid Implementation Plan and then they follow-up in tracking as we go.

Mr. Howard: Geometrics; that would be a good thing. Any comments on the By-law committee?

Mr. Fields: Are there problems with our existing By-laws that need to be fixed?

Mr. Howard: I don't know if there are problems per se; I thought it came up in the context of more of decorum than anything else. So, I wouldn't say it's a problem but in some cases it just might be enforcing the By-laws. But, I know it came up; I just throw it out there as a suggestion.

Mr. Fields: I don't have any particular reason to assume that we need to change, unless the By-laws are structurally deficient in having us do our work. You know, we had this discussion last year. I'll reiterate that I would urge caution when you start talking about issues of decorum; though we're not technically we're not a legislative body, we're still all appointed by elected officials. There's a rather... the nature of these bodies allows for a fairly, by definition, a fairly wide ranging version of discussion and I think trying to corral that in any way, shape or form is probably, even if it's well intentioned, it's probably not very effective.

Mr. Howard: Yeah, I don't think anyone was suggesting censorship on what people can say, I think it was more how you say it.

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Mr. Fields: Sure. I think, you know, in general I don't think we have spirited discussions but I think the past year... I know we've been through some pretty serious issues with some fairly strongly divergent opinions and I think we navigated it well and professionally with good decorum. So, I personally don't feel or see that there's a crying need to make any changes at this point.

Mr. Howard: Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I respect Mr. Fields' opinion but I think you can sit on a group of By-laws and the By-laws will pass you by or you'll pass them by. When I went on the Board of Supervisors, the By-laws stated that we would conduct the meetings according to Roberts Rules of Order. I asked Ms. White which copy, which new revision of Roberts? And it didn't say. So, what we changed it to was the most current edition. So, I'm saying a By-law, even though it was a minor change, it at least set some parameters that specifically relegated or delegated what we needed to do. I think they need to be looked at; I don't think you can just sit on them and just say well they're okay as is, because everything changes. The only permanent thing you'll find in life is change.

Mr. Howard: Thank you.

Mr. Rhodes: Mr. Chairman, if there's not necessary an appetite for a committee per se, certainly we can all focus on re-reading. I read it I think just prior to the first meeting several years and it couldn't hurt if you read it again and just braise back maybe during a few moments of your discussion next meeting just if there is anything that stands out to us that might merit discussion.

Mr. Howard: I think that's a fair suggestion. So, there's a homework assignment from Mr. Rhodes. Take a look through it and see if... Ms. Kirkman?

Ms. Kirkman: And Roberts does have a process for amending By-laws, so if anybody feels a strong need to make that motion, they can.

Mr. Howard: Right, that's true. One requirement within our By-laws is there has to be thirty days' notice of any change, just so everybody understands that. Okay, so there's not a big appetite for that, as I understood it. But there was an appetite for the Comp Plan Implementation Committee. Alright, so it sounded like Mr. Rhodes and Mrs. Hazard will sign up. Did anyone else want to participate in that?

Mr. Rhodes: That'll teach us to say something.

Mr. Howard: No? I'll appoint myself then, so that the Comp Plan Implementation Committee would be Mr. Rhodes, Mrs. Hazard and myself. And, is there any other business?

Mr. Harvey: Mr. Chairman?

Mr. Howard: Yes.

Mr. Harvey: For clarification for the staff, the Commission has members on two advisory committees, the Architectural Review Board and the Parks and Rec Commission. We'd like to hear from the Commission as to whether those members are going to continue to stand in that capacity.

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Mr. Howard: The Parks and Rec was Mr. Hirons and Mr. Fields was on the Architectural Review.

Mr. Fields: I'll stay on the ARB for a while; it's hard for me to make the meetings but I'll keep trying.

Mr. Hirons: And I'm willing to stay with Parks and Rec if Mr. Mitchell, I know you had a long time service.

Mr. Mitchell: No (inaudible).

Mr. Hirons: Alright, thank you.

Mr. Harvey: And Mr. Chairman, we also have TRC too, if the Commission wants to appoint a standing member of the Commission to attend TRC or you want to continue with the process of having Commissioners attend as available.

Mr. Rhodes: Mr. Chairman, I would just ask the question possibly of how well or poorly did we do last year with our current arrangement? I know I dutifully made the first one and screwed up and missed the second one I was supposed to attend, so I'm not sure (inaudible).

Mr. Howard: I made one as well and I missed the second also.

Mr. Rhodes: So I'm not sure... I'm just curious how that's worked from track record perspective.

Mr. Howard: I'm not sure how many meetings there were but I know I missed one which was a two day and I was at the one before that, the week before that. I did show up but it was the wrong week. So, I walked in and the meeting was the following week, which I couldn't make it. But, so I did make every attempt to make the two but... I don't know, Andrea, if you have a back of the envelope answer to that.

Mrs. Hornung: No I don't, but the Commission is always welcome. As a matter of fact, next Wednesday, the 12<sup>th</sup>, we do have one preliminary. I think Mrs. Hazard will be there.

Mr. Howard: Okay, we'll do it as the meetings become scheduled if you could bring it to our attention, we'll assign someone to attend.

Ms. Kirkman: Mr. Chair, could we... one thing that would be helpful I think is if we could have the TRC agenda sent out to us, a copy to us.

Mr. Howard: That's a great idea. I asked for that and they said it's on the website. But if you could push that to us, that would help more.

Ms. Kirkman: Yeah, I think that makes it...

Mrs. Hornung: Mr. Chairman, I thought that was already sent to you?

Ms. Kirkman: No.

Mr. Howard: No.

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Mrs. Hornung: It's not emailed to you?

Ms. Kirkman: No...

Mr. Howard: No. When I asked for it at the meeting they told me I'm more than welcome to pull it off the internet and I said okay.

Mrs. Hornung: No problem. I'll make sure that everybody...

Ms. Kirkman: We don't the DRM or the TRC agendas, which we should probably get both of those.

Mrs. Hornung: Okay.

Mr. Howard: Yeah, that's a great idea.

Mrs. Hornung: Sure, I'll make sure that staff emails that to the Commission.

Mr. Howard: And then we can see if there's something in our magisterial district too that we want to focus on.

Ms. Kirkman: Right.

Mr. Fields: Right, that really helps focus the TRC (inaudible).

Mr. Howard: Right, I agree. Okay, so approval of the minutes?

**OTHER BUSINESS**

**APPROVAL OF MINUTES**

*November 3, 2010*

Mr. Mitchell: Mr. Chairman, I make a motion for approval of November 3<sup>rd</sup> Stafford County Planning Commission minutes.

Mr. Rhodes: Second.

Mr. Howard: Any discussion? Hearing none, all those in favor of approving November 3<sup>rd</sup>, 2010 minutes signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

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Ms. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

*November 17, 2010*

Mr. Mitchell: Mr. Chairman, I make a motion for the Stafford County Planning Commission minutes of November the 17<sup>th</sup>.

Mr. Rhodes: Second.

Mr. Howard: Any discussion? All those in favor of Mr. Mitchell's motion approving the November 17<sup>th</sup>, 2010 minutes signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye.

Mr. Mitchell: Mr. Chairman...

Mr. Howard: Hold it. Opposed nay? The motion carries 7-0.

*December 1, 2010*

Mr. Mitchell: Mr. Chairman, I make a motion for the approval of the final December 1, 2010 Stafford County Planning Commission minutes.

Mr. Rhodes: Second.

Mr. Howard: Any discussion? All those in favor of approving Mr. Mitchell's motion to approve the December 1<sup>st</sup>, 2010 minutes signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

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Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Stacie, that was awesome that you had all those done that quickly, so thank you.

Mr. Rhodes: I tried to tease her about the 15<sup>th</sup> and she said they're already done, upstairs; she just didn't get enough time to mail out.

Mr. Howard: And the book is outstanding; I just had a chance to go through it. Thank you so much for doing that. With that the meeting is adjourned.

**ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 8:21 p.m.

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Gordon Howard, Chairman  
Planning Commission